

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DR. RABBI K. A. ISRAEL,  
BROTHER OF, AND GUARDIAN FOR,  
MS. BEATRICE DEMETRICE GARTH,

2008 JAN 22 PM 1:18

CLERK  
U.S. DISTRICT COURT

PLAINTIFF

CASE NO. 1:07-CV-07084

VS.

HON. JUDGE CHARLES R. NORGLER,  
PRESIDING,

CIRCUIT COURT OF COOK COUNTY, IL.  
MICHAEL DELANEY, DOROTHY BROWN,

HON. MAG. JUDGE A. KEYS,  
MAGISTRATE JUDGE.

DEFENDANT

NOTICE OF MOTION

BRENTWOOD SUB-ACUTE CARE,  
TO: CHRIST HOSPITAL,  
5400 WEST 87TH. STREET,  
BURBANK, ILLINOIS, 60459

THIS EMERGENCY MOTION  
HAS BEEN SENT BY  
FACSIMILE MACHINE:  
708-423-1239

On JANUARY 25, 2008, at 9: A.M. a.m. / p.m. or as soon thereafter as

counsel may be heard, I shall appear before the Honorable JUDGE CHARLES R. NORGLER, SR.,

Courtroom 2341 at the United States District Court Northern District of Illinois, Eastern Division,

219 South Dearborn Street, Chicago, Illinois, and present PLAINTIFF'S EMERGENCY MOTION

FOR JUDICIAL NOTICE OF ADJUDICATIVE FACTS UNDER, AND PURSUANT TO,  
F.R.E. 201(a), (b), (c); THE CONTINUED ENDANGERMENT OF THE LIFE  
OF MS. BEATRICE DEMETRICE GARTH, PLEASE SEE SUBPOENAS ATTACHED.

Name DR. RABBI K. A. ISRAEL,

Address P.O. BOX 803241,

City / Zip CHICAGO, ILLINOIS, 60680-3241

Telephone 773-469-8207

**FILED**

1-23-2008  
JAN 23 2008

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

PROOF OF SERVICE

I, the undersigned (plaintiff / defendant), certify that on the 22 day of JANUARY 2008

I served a copy of this notice to each person whom it is directed by way of FACSIMILE MACHINE,

UPON BRENTWOOD SUB-ACUTE CARE, NURSING HOME, christ hospital,

*DR. Rabbi K. A. Israel*

JANUARY 22, 2008

SIGNATURE / CERTIFICATION

DATE

\*\*\*\*\*  
 \*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

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2008 JAN 22 PM 1:18  
 CLERK  
 U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF ILLINOIS  
 EASTERN DIVISION

DR. RABBI K. A. ISRAEL,  
 BROTHER OF, AND GUARDIAN FOR,  
 MS. BEATRICE DEMETRICE GARTH,

PLAINTIFF

VS.

CIRCUIT COURT OF COOK COUNTY, IL.  
 MICHAEL DELANEY, DOROTHY BROWN,

DEFENDANT

CASE NO. 1:07-CV-07084

HON. JUDGE CHARLES R. NORGLER,  
 PRESIDING,

HON. MAG. JUDGE A. KEYS,  
 MAGISTRATE JUDGE.

NOTICE OF MOTION

BRENTWOOD SUB-ACUTE CARE,  
 TO: CHRIST HOSPITAL,  
 5400 WEST 87TH. STREET,  
 BURBANK, ILLINOIS, 60459

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 708-423-1239

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 OF MS. BEATRICE DEMETRICE GARTH, PLEASE SEE SUBPOENAS ATTACHED.

Name DR. RABBI K. A. ISRAEL,

Address P.O. BOX 803241

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 \*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

2008 JAN 22 PM 1:18

TX/RX NO 1125  
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CLERK  
 917084231239 U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF ILLINOIS  
 EASTERN DIVISION

DR. RABBI K. A. ISRAEL,  
 BROTHER OF, AND GUARDIAN FOR,  
 MS. BEATRICE DEMETRICE GARTH,

PLAINTIFF

VS.

CIRCUIT COURT OF COOK COUNTY, IL.  
 MICHAEL DELANEY, DOROTHY BROWN,

DEFENDANT

CASE NO. 1:07-CV-07084

HON. JUDGE CHARLES R. NORGLE,  
 PRESIDING,

HON. MAG. JUDGE A. KEYS,  
 MAGISTRATE JUDGE.

**NOTICE OF MOTION**

BRENTWOOD SUB-ACUTE CARE,  
 TO: CHRIST HOSPITAL,  
 5400 WEST 87TH. STREET,  
 BUREBANK, ILLINOIS, 60459

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F.R.E. 201(a), (b), (c); THE CONTINUED ENDANGERMENT OF THE LIFE  
 OF MS. BEATRICE DEMETRICE GARTH, PLEASE SEE SUBPOENAS ATTACHED.

Name DR. RABBI K. A. ISRAEL,

Address P.O. BOX 803241.

AO88 (Rev. 1/94) Subpoena in a Civil Case

Issued by the

2008 JAN 22 PM 1:18

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF ILLINOIS COURT**  
**EASTERN DIVISION**

DR. RABBI K. A. ISRAEL, CONSULAR ATTORNEY,  
 THE BROTHER OF, AND THE GUARDIAN FOR, **SUBPOENA IN A CIVIL CASE**  
MS. BEATRICE DEMETRICE GARTH, A DISABLED PERSON,

V.

**PLAINTIFF**Case Number:<sup>1</sup> 1:07-CV-07084

CIRCUIT COURT OF COOK COUNTY, ILLINOIS,

DOROTHY BROWN, MICHAEL DELANEY, LISA MADIGAN, ET AL.,

TO:

KRISTIN MITCHELL, ADMINISTRATOR(S),

DOCTORS, NURSES, STAFF, EMPLOYEES, ET AL.,

BRENTWOOD SUBACUTE CARE, (NURSING HOME),

5400 WEST 87TH. STREET,  
BURBANK, ILLINOIS, 60459

- ☐ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

- ☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

**XXIX YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): ALL MEDICAL RECORDS, NAMES OF DOCTORS, NURSES AND STAFF PERSONNEL, FACILITIES USED FOR EMERGENCY TREATMENT, DATES AND TIMES OF TREATMENT, NAMES AND TITLES OF ADMINISTRATORS AND ALL DECISION MAKERS REGARDING MS. BEATRICE DEMETRICE GARTH.**

PLACE HON. JUDGE CHARLES NORGLE, SR., COURT# 2341,  
 219 SO. DEARBORN STREET, CHICAGO, ILLINOIS, 60604

DATE AND TIME

9:am 02/08/2008

- ☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 1/94) Subpoena in a Civil Case

2008 JAN 22 PM 1:18

## PROOF OF SERVICE

DATE PLACE  
 SERVED JANUARY 16, 2008 5400 W. 87TH. STREET, BURBANK, ILL., 60459

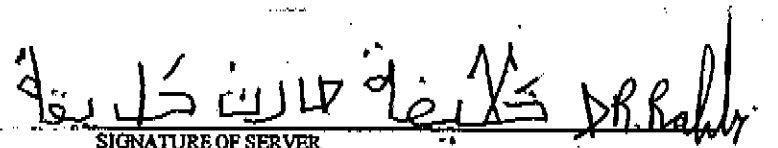
SERVED ON (PRINT NAME) MANNER OF SERVICE  
 KRISTIN MITCHELL, ADMINISTRATOR(S),  
 NURSES, DOCTORS, STAFF, ET AL., UNITED STATES POSTAL SERVICE,

SERVED BY (PRINT NAME) TITLE  
 DR. RABBI K. A. ISRAEL, PLAINTIFF,  
 CONSULAR ATTORNEY,

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on JANUARY 16, 2008  
 DATE

  
 SIGNATURE OF SERVER  
 P.O. BOX 803241, CHICAGO, IL., 60680  
 ADDRESS OF SERVER

## Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

(i) fails to allow reasonable time for compliance,  
 (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or  
 (iv) subjects a person to undue burden.

## (B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial; the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## (d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

SA088 (Rev. 1/94) Subpoena in a Civil Case

Issued by the 2008 JAN 22 PM 1:18

**UNITED STATES DISTRICT COURT**  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DR. RABBI K. A. ISRAEL, CONSULAR ATTORNEY,  
THE BROTHER OF, AND THE GUARDIAN FOR, **SUBPOENA IN A CIVIL CASE**  
**MS. BEATRICE DEMETRICE GARTH, A DISABLED PERSON,**

V.

**PLAINTIFF**

Case Number: 1:07-CV-07084

CIRCUIT COURT OF COOK COUNTY, ILLINOIS,  
DOROTHY BROWN, MICHAEL DELANEY, LISA MADIGAN,  
TO: MS. BEATRICE DEMETRICE GARTH,  
BRENTWOOD SUB-ACUTE CARE, (NURSING HOME),  
5400 WEST 87TH. STREET, BURBANK, ILLINOIS, 60459

**XX YOU ARE COMMANDED** to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	BEFORE THE HON. JUDGE CHARLES NORGLER, SR.	COURTROOM
219 SO. DEARBORN STREET, CHICAGO, ILLINOIS, 60604-1704		NUMBER 2341
		DATE AND TIME
		9AM 01/25/2008

☐ **YOU ARE COMMANDED** to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

**XX YOU ARE COMMANDED** to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): ALL MEDICAL RECORDS, NAMES OF DOCTORS, NURSES AND STAFF PERSONNEL, FACILITIES USED FOR EMERGENCY TREATMENT, DATES AND TIMES OF TREATMENT, NAMES AND TITLES OF ADMINISTRATORS AND ALL DECISION MAKERS REGARDING MS. BEATRICE DEMETRICE GARTH.

PLACE	HON. JUDGE CHARLES R. NORGLER, SR., COURT# 2341,	DATE AND TIME
219 SO. DEARBORN ST., CHICAGO, ILL., 60604-1704		9AM 02/08/2008

☐ **YOU ARE COMMANDED** to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.

AO88 (Rev. 1/94) Subpoena in a Civil Case

2008 JAN 22 PM 1:18 PROOF OF SERVICE

DATE

PLACE

BRENTWOOD SUB-ACUTE CARE, (NURSING HOME),  
CLERK 5400 W. 87TH. ST., BURBANK, ILL., 60459  
SERVED JANUARY 16, 2008 BY

SERVED ON (PRINT NAME)

MANNER OF SERVICE

MS. BEATRICE DEMETRICE GARTH,  
C/O KRISTIN MITCHELL, ADMINISTRATORSSS: UNITED STATES POSTAL SERVICE,

SERVED BY (PRINT NAME)

TITLE

DR. RABBI K. A. ISRAEL,

PLAINTIFF,  
CONSULAR ATTORNEY,

## DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on JANUARY 16, 2008  
DATE

SIGNATURE OF SERVER

P.O. BOX 803241, CHICAGO, IL., 60680

ADDRESS OF SERVER

## Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
- (iv) subjects a person to undue burden.

## (B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial; the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

## (d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.